
COMBINED DECLARATION AND POWER OF ATTORNEY

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for an original application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

METHOD OF APPLYING A MARKER ELEMENT TO AN IMPLANT AND AN IMPLANT PROVIDED WITH A MARKER ELEMENT

SPECIFICATION IDENTIFICATION

The specification was filed on December 13, 2001, as Serial No. 09/ , .

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent .

PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Such applications have been filed as follows.

**PRIOR FOREIGN APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 U.S.C. SECTION 119
Germany	100 64 596.8	18 December 2000	yes

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Stephen L. Grant	33390
Eryn R. Ace	44491
Alexander D. Bommarito	44036
Robert J. Clark	45835
R. Eric Gaum	39199
Michael H. Minns	31985
Edwin W. Oldham	22003
Scott M. Oldham	32712
Mark A. Watkins	33813

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Stephen L. Grant
1225 W. Market St.
Akron, OH 44313
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Customer Number 021324

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Prof. Dr. Max Schaldach – deceased – completion on an added page

Inventor's signature _____

Date _____

Country of Citizenship Germany

Residence Erlangen Germany

Post Office Address Turnstrasse 5 , D-91054 Erlangen Germany

■■■■■■■

Prof. Dr. Klaus-Peter Schmitz

Inventor's signature _____

Date _____

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■■■■■■■

Dr. Jens Gobrecht

Inventor's signature _____

Date _____

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10021324

■■■■■■

Alexander Rzany

Inventor's signature _____

Date _____ **Country of Citizenship** Germany

Residence Nuernberg Germany

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■■■■■■

Prof. Dr. Detlef Behrend

Inventor's signature _____

Date _____ **Country of Citizenship** Germany

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TOEET "668T2001

SIGNATURE BY LEGAL REPRESENTATIVE ON BEHALF OF DECEASED INVENTOR
(37 CFR sections 1.42 and 1.43)

I, Dr. Max Schaldach, Jr., hereby declare that I am a citizen of Germany, residing at Wangenheimstrasse 45, D-14193 Berlin, Germany, and that I am executing and signing the declaration to which this is attached as legal representative (or heirs) of:

Country of Citizenship: Prof. Dr. Max Schaldach
Germany
That, upon information and belief, I aver those facts that the inventor is required to state.

Date: _____

Signature of legal representative (or all heirs)

1002169-121301

For: U.S. Rights
For: U.S. Application
By: Inventors

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS:

Prof. Dr. Max Schaldach
Turnstrasse 5
D-91054 Erlangen,
Germany
Nationality: Germany

Prof. Dr. Klaus-Peter Schmitz
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Prof. Dr. Detlef Behrend
Muehlenstrasse 44b
D-18119 Rostock,
Germany
Nationality: Germany

hereby sell, assign and transfer to

ASSIGNEE:

10021369-121301

Biotronik Mess- und Therapiegeraete GmbH
Ingenieurbuero Berlin
Woermannkehre 1
D-12359 Berlin
Germany

Nationality: Germany

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions in and to any and all improvements which are disclosed in the invention entitled:

**METHOD OF APPLYING A MARKER ELEMENT TO AN IMPLANT AND AN
IMPLANT PROVIDED WITH A MARKER ELEMENT**

and which is found in (37 C.F.R. section 3.21) U.S. application no. 09/ , filed on December 13, 2001 and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, We have hereunto set hand and seal this _____ day of _____.

Date:

**Signature of Prof. Dr. Max Schaldach -
deceased**

Date:

Signature of Prof. Dr. Klaus-Peter Schmitz

Date:

Signature of Dr. Jens Gobrecht

Date:

Signature of Alexander Rzany

Date:

Signature of Prof. Dr. Detlef Behrend

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